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C. Brice Esq
Sutcliffe Rail Road
Locality
158 King St. E.
PROSPECTUS

OF THE



WOLFE ISLAND, KINGSTON, AND TORONTO

R A I L R O A D :

WITH THE

ENGINEER'S REPORT.

KINGSTON.

PRINTED AT THE OFFICE OF THE NEWS.

1846.

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THE Great Western Railroad of the State of New York, connecting New York and Boston, via Albany, Schenectady, Utica, Syracuse, and Rochester, with Buffalo, and the great Erie Canal, connecting the waters of the Hudson River with those of Lake Erie, are intersected at Rome (sixteen miles from Utica), in the State of New York, by the Rome and Kingston Railroad. By means of the Wolfe Island, Kingston and Toronto Railroad, the communication will be extended through the oldest settled and most productive part of Western Canada, until it joins, at Hamilton or Toronto, the Hamilton and Sandwich Road, which connects Hamilton, on Lake Ontario, with Sandwich, nearly opposite Detroit, on Lake St. Clair, and the Stock of which, to the amount of £1,375,000, has been taken in England, and the remainder £125,000, which was allotted

to Canada, now quoted at two and a half per cent. advance, and selling at that rate in Hamilton.

The route, when completed, will form not only the shortest and cheapest route from Western Canada, but also from Michigan, Ohio, Illinois, and the rich and growing regions of the far West, to the cities of the Atlantic seaboard.

The advantages it holds out over the route by Rochester, Buffalo, and the South side of Lake Erie, or over that by Rochester, Buffalo, and the North side of Lake Erie, are, that reckoning the distance from Albany, it will be ninety miles shorter than the one, and about thirty miles shorter than the other, while it will be available for the purposes of commerce and travel at all seasons of the year. Second, that only a small portion of the route, in comparison, remains to be provided for. The portion from Rome to Kingston is in the hands of our American neighbors, with a third part of the Stock taken by the people residing on the line of the Road, and the remainder now sure of being taken by Boston and New York capitalists, as soon as laid before them. The Stock of the portion extending from Hamilton to Sandwich is not only subscribed for in full, but the first instalment actually paid in to the London bankers of the Company; and therefore the link from Kingston westward to the terminus of the Hamilton and Sandwich Road is the only untouched portion of the whole route. Further, that a much larger, more cultivated, and equally fertile region in Canada West will be "tapped" by this route. The distance from the head of Lake Ontario to Kingston, which would be totally unaffected by any other route, is about two hundred miles. The country all along the shore of Lake Ontario is cultivated, at a fair average, forty miles towards the interior, making altogether a surface of eight thousand square miles of the oldest settled and most densely populated part of Canada West, including the Home and Simcoe, Newcastle and Colborne, Prince Edward and Victoria, and Midland Districts, with a gross population of one hundred and ninety-five thousand, and imports to the annual value of about £800,000 currency, and exports to an annual value exceeding £1,000,000. Thirdly, that it will touch at a number of points, the future importance of which, in a commercial point of view, is almost incalculable, and which only require to be made accessible to be fully appreciated. First—at Kingston, the nearest point in Canada to New York, situated at the head of the River St. Lawrence, and the foot of the Lake navigation, the Road will meet the Rideau Canal, connecting the waters of Lake Ontario

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with those of the Ottawa River: it will at Kingston also meet the traffic and business of the country on the banks of the St. Lawrence, as far down as Brockville, some sixty miles: it will also meet the Bay of Quinte business, embracing the rich and fertile Counties of Prince Edward, Lenox and Addington, and Hastings. Second—At Belleville and the Trent it will in all probability be joined by a Branch Railroad from the Marmora Iron Works, now almost cut off from communication, except in the winter months, but which are nevertheless valued at £40,000 by their owner, the Honorable Peter McGill of Montreal, and are said to contain as fine ore in as large quantities as any mine now worked in the world. At the Trent, by means of the Canals now completed, and those in progress, the only outlet for the Otonabee and Rice Lake country will connect it with this Road. At Port Hope a junction will in all probability be effected, with a Railroad from thence to Peterborough; and at Whitby it will be met by the Plank Road from thence to the Georgian Bay, now contemplated. In addition to all of which must be considered the peculiar advantages afforded to a Railroad in Canada by the complete stoppage of all other modes of transit during at least five months in the year by the inclemency of the winter.

On the whole, the advantages of the Wolfe Island, Kingston and Toronto Railroad are—first, that it will form the connecting link between two highly important Roads sure to command an extensive travel and business: second, that it will pass through and must attract the travel and traffic of a well populated and fertile country still in its infancy, but even now numbering a population of two hundred thousand, and an annual business to the amount of one million: and, third, that it will join at a number of points other means of transportation and travel, and sources of business; all tending to swell the business to be done by the Wolfe Island, Kingston and Toronto Railroad, to an extent which, at present, and without calculating on the rapid increase of the country, or the incentive which the means of travel and business always lend to them, will render the Road not only a good and patriotic scheme, but a fair, safe, and profitable investment.

The Provisional Committee have competent engineers now employed in surveying the Road; and they pledge themselves that £100,000 of the Stock shall be taken on the route.

J. COUNTER, *Chairman.*

A. CAMPBELL, *Secretary.*

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Report.

THE Survey was commenced at the water line, at Hinckley's Ferry, on Wolfe Island. The first mile of the travelled road towards Kingston is hilly, but an excellent line was obtained with a grade of one in one hundred and ten, by cutting off seven feet from the crown of the first hill and skirting the crest of the two, till we reach a point on Button Bay, at the inlet of the river, and marked with a red star on the map. It will then be necessary to cross the inlet, which is about one hundred and fifty yards in width, and averages about two and a half feet in depth, by an embankment or bridging. This line saves a full half mile in the distance, when compared with the travelled road, which saving of distance will more than repay the cost of embankment.

On arriving at a stake on the north side of the inlet, three lines present themselves.

The first is described on the Map by a blue line, in which there is an allowance for a road between the 7th and 8th concessions.

The second is by passing along the 7th concession, colored green.

The third is by a diagonal line, colored red, in a direction intersecting Garden Island.

Of the first and third a profile accompanies this report. The second or centre line was considered so objectionable, that a profile of it was not taken. The objections are, that the entire surface is a bed of rock, which would require a very large outlay in reducing to the required grade; but still more insuperable objections present themselves in the shallowness of the water at Hitchcock's Tavern, where the first ice is formed, and where, being so completely embayed, it remains the latest.

The first line alluded to, namely, that leading to Ferguson's Point, is objectionable, not only on account of the quantity of cutting in the rock in the first mile from Dawson's Tavern, but also in the inequality of the surface on the second mile as that

near the Concession Road, where it must cross, another inlet of the Bay intervenes.

The main object in adopting this line, would be to make a terminus at Ferguson's Point, where there is a good depth of water very near the shore, and where from its exposure to the winds and current, the ice forms later and is carried away much earlier in the Spring than where it is embayed nearer the shores of the Island.

To take the Railroad to Ferguson's Point, supposing the hill to the east to be more practicable, we have to cross an arm of the Bay about 375 yards wide, and averaging four and a half feet deep; and when crossed, the rocky and swampy character of the shore in the line of the road, would render the construction of a Railroad both expensive and difficult.

The third line, marked red, or that which passes diagonally towards Garden Island, is a line from the point at Button Bay, to its western extremity, on lot 10 on the north side of the Island, by far the most preferable.

It crosses the ridge at a point of forty feet lower in perpendicular height, than it is on the Concession road, and there is much less rock: indeed as far as could be ascertained, there seemed scarcely any rock to be excavated.

This line across the Island is decidedly the cheapest and best: the distance is six and a half miles, and the greatest height to be surmounted does not exceed, on the average, eight and a half feet to the mile. On arriving, however, at the north side of the Island, it will be found necessary to cross a channel of the river whose breadth is 750 yards, and whose average depth is eight feet; which must be done either by bridging or by solid embankment, leaving one or more openings to prevent any considerable rise of the water in strong westerly gales. This channel is never used for the purpose of navigation, from the shallowness of the water, except occasionally by scows; the bottom is a continuous solid rock. From the proximity of a vast quantity of stone, which can be had for the fetching, the expense of solid embankment will not be so great as bridging, which once done is permanent.*

It is believed that a moderate sum will be demanded for the land through which this line passes.

* This causeway to be made solid and raised four feet above the water mark, will require about 31,000 cubic yards of material to fill it; and as there are within 200 yards of it large quantities of rubble stone which may be obtained gratuitously, and with some cutting, which will also be necessary in ascending the hill, at 7¹/₂ per yard, will cost £968 15s.

We have then about two hundred and sixteen yards to cross on Garden Island, and we are brought to a spot only one mile and three quarters from Kingston, starting from a point of deep water, and where the ice is the last to form in the winter, and the first to leave in the spring. The most advantageous feature of the Wolfe Island, Kingston and Toronto Railroad, as to its connection of Canada with the United States, is the shortness of water communication, especially in the winter.

From Hamilton there is no water communication in winter, and forty-five miles in summer.

From Toronto, the communication, by Niagara, is 35 miles over a cold and stormy Lake in winter, with the difficulty and uncertainty of crossing at all. From Kingston one mile and three quarters, which can be crossed at any time, is the only water communication till we reach the United States boundary line, except, indeed, the one half mile across the river, at the Ferry. These considerations have induced a preference for Garden Island, being the shortest line of water communication; and it is the interest of the proprietor of that Island to afford every possible facility in his power to its being a terminus, which he has expressed his intention to do.

The next question for consideration is the locality of the terminus on the Kingston side of the river. Levels have been taken and profiles made, from three different points. First, of the line from the present Long Island slip, up Arthur-street, and also from the slip which crosses the Marine Railway, up Gore-street, and also the one west of that establishment, and between it and the Foundry, up Union-street.

The levels and a profile have also been taken of the slip to the west of Mr McPherson's office, up Clarence-street.

With regard to the grades there is little difference: the ascent at the new Church, on Lot 24, must be surmounted, which is 49 feet above the level of the Lake, and distant only 2304 feet, less than half a mile: the distance must be increased by curving, or the terminus raised to afford a grade of 1 in 80, which will be considered absolutely necessary, under all circumstances of the case.

The upper or western slip would afford a very good approach by a curve of sufficient radius, if the site of Union-street was adopted; but the objections to this route are, that the Foundry on the one side and the Railway on the other, would prevent our getting a station wider than 66 feet, which would be far too contracted, and it would moreover blind the lower and partly the upper windows of that establishment.

The next slip, to the east, and up Gore-street, is altogether free from these objections, whilst the grade is nearly the same; and it is understood that any necessary quantity of land on both sides of the street, may be obtained at a moderate price, from the Marine Railway Company. Whichever site is preferred, it will be necessary to carry out an embankment, at least 400 feet, into the river from the present ordinary water line.

With these facts before them, the Directors will be enabled to select the line most advantageously situated, and best adapted to promote the interest of the Rail Road Company; and the comfort, safety, and convenience of the public.

It is thought desirable not to do more in a preliminary report than express generally the facts as to where a line may be located, because any other opinion might lead to a mistaken conclusion, and induce extravagant expectations or demands for lands contiguous to such line. In the present instance either of the places alluded to will afford excellent facilities for debarkation, as well as embarkation. There would be only a slight inconvenience if the station itself should be removed from the water's edge altogether, provided a direct line of communication to it was preserved, and should it be on the hill, it might not only be of advantage as it regards the grade, but may be made convenient for intersecting the line from Montreal, should that line be carried into effect.

Whichever line is preferred, it must intersect the road which separates Lot 24 from Kingston, at the new Episcopal Church, by a grade not less than one in eighty. The line then follows in a direction nearly west, and level, crossing the Penitentiary lot as much to the south as the broken surface of that lot will admit: it then proceeds till it meets the broken surface of the hill leading to the Cataraqui river, which it crosses to the south of the present bridge, on the Bath road, and preserving the same westerly course, running nearly parallel with the road, but gradually edging off to the north, for the purpose of taking advantage of a break in the ridge of hills, which is formed by a natural disruption, at Powley's saw-mill; by the adoption of which line we are enabled to cross the stream and swamp leading to McGuin's mill, with a very small portion of bridging or embankment, offering nearly a dead level, with a curve of eight hundred feet radius, which will render it unnecessary to cross the macadamized road, or the building a bridge over the stream which drives the saw-mill, and which crosses the road above Metzler's tavern.

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itself, as marked by a red line on the map, passing to the south of Asselstine's mills, in Ernestown, and following the same course till it approaches very near the macadamized road, on lots 7, 8, and 9, on the 4th concession of Ernestown.

To avoid crossing the macadamized road and to keep south of the hill leading down to Napanee, a curve will be necessary at this point; and which will enable us to avoid full twenty feet of the height of the Napanee hill, which is a solid bed of limestone rock; and the ascent, in the distance of twenty-four miles, will not exceed eighty feet, or the average distance of three and a half feet per mile.

To go through the Village, either a suspension or revolving bridge, as well as a high embankment, will be required; the former of which is not desirable, and the latter of which will be very expensive.

These difficulties may be avoided by continuing the curve round the base of the hill, near the old residence of Allan McPherson, Esq.; crossing the macadamized road, and making a second curve: crossing the river between that and Clarkville, and passing to the east of the English Church, into the allowance for a road between the 1st and 2nd concessions of Richmond, and continuing on by nearly a straight line between the 1st and 2nd concessions south of Tyendinaga, to Shannonville; the concession lines north, corresponding with these, were also examined, and with the exception of a hill on the west side of the Shannon, on the 1st concession north and south, both, as well as the country generally, offer unobjectionable lines for a Rail Road. The distance from Napanee to Shannonville, will be sixteen miles; the highest ground is not more than seventy feet above the level of the Napanee; the grade will not exceed four and a half feet per mile.

From Shannonville to Belleville, on nearly the same course, the surface is equally favorable, and terminates at the southern extremity of the town, near the steamboat landing; presenting a summit of not more than twenty feet to be surmounted in the entire distance of nine miles.

Here it will be found necessary to cross the river, by an embankment, with two revolving bridges; the stream having divided itself into two branches, both of which are navigable, unless it may be deemed expedient to pass through the town farther north, when one bridge may be dispensed with: the water is shallow, except in the channel, where it is about ten feet deep. On reaching the west side of the Moira, by keeping near the lake, we skirt the hill which presents itself on the

travelled road; and by continuing south of that road no impediment presents itself till we arrive at the Trent—the greatest ascent being about thirty feet in a distance of twelve miles—where embankment and bridging will be also necessary. From the Trent to Brighton the same unobjectionable surface presents itself; and although some hills intervene, they can all be surmounted, the greatest elevation being fifty-one feet.

The same remarks apply from Brighton to Colborne, and from Colborne, by Grafton, to Cobourg, in which distance the height to be surmounted will not exceed seventy-five feet, except the hill near Colborne, which must be skirted, and the road approach near the lake. All the inequalities of the surface are easily surmounted, without deep cuttings, by the adoption of a few curves of sufficient radii, with occasional bridging across ravines, or embankment of two or three swamps or swales, which are narrow, and easily bridged or embanked.

The approach to Cobourg is exceedingly easy, being nearly a dead level for several miles. A large vacant space between the piers at that place, which is daily increasing, would offer a site of from two to three acres in a very convenient situation for a station, and which, as it is the property of the Harbor Company, it is believed may be obtained on very easy terms.

The Committee will find appended to this Report a detailed statement of the business resources of Cobourg, which was furnished mostly from official documents, and shows the growing importance of that place.

The line from Cobourg to Port Hope presents no engineering difficulties; the greatest ascent not exceeding eight feet, or 1 in 231. The line may be carried across the swamp, at the lower end of that town, close to the harbor; and by keeping near the lake shore we are enabled, by a grade not exceeding one in eighty-five, to reach the highest land, which we shall find it necessary to surmount between Port Hope and Darlington. The line across the swamp must be made by embankments, with a stone bridge over the stream: the depth of the marsh was ascertained by driving down an iron rod, and it was found that a sufficient depth of water could be got alongside the embankment to receive or deliver goods immediately from the Railroad station on board steamboats or other vessels.

Both the Port Hope and Cobourg stations will be considered important auxiliaries to the Railroad, from the immense amount of produce brought into that place from the back country, including Peterboro and the Rice Lake, with their vicinities, and which is annually increasing to an extent not easily esti-

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mated ; and which increase, great as it is, would be far greater if they could obtain branch Railroads, or if good plank roads were made, north of the two ports of Cobourg and Port Hope : it would create a value and bring into the market a vast amount of produce, in lumber, masts, staves, etc., which, from the difficulty and expense of transport, is now valueless. This survey has also ascertained the capabilities of Port Hope as a safe and commodious harbor, which with proper entrances may always be kept free from impediments of bars or otherwise, and be approached with safety in the severest gales, from whatever quarter they may proceed.

From Port Hope, we pass near to the ports of Bond Head, Darlington, Oshawa, and Windsor, each of which ports are outlets to an excellent and well cultivated country, extending back to Lake Simcoe, through Reach, etc. Part of the line is exceedingly level, in no case surmounting a height greater than fifty feet, till we reach the Rouge river, the banks of which afford an elevation of one hundred and twenty feet on the travelled road, from the water level ; this required a careful examination, when it was found that the most favorable line which presented itself, was by raising the beach which has already been thrown up by the wash of the Lake, several feet above the highest water mark, and making use of the earth which now forms the approaches to it on both sides, to form an embankment, and which would be attended with no great engineering difficulty, or heavy expence. At this spot we shall have to surmount an elevation of eighty feet, and some cutting will be required to obtain a rise of one in seventy.

The same remark applies to the Highland Creek, only that the difficulties will be still fewer than those at the mouth of the Rouge.

An equally favorable line presents itself till we arrive within five miles of Toronto, the greatest elevation to be surmounted not exceeding eighty feet ; we then obtain a dead level, running parallel with the lake shore all the way to the city, crossing the River Don near its mouth, and proceeding up an unfrequented street, near the Steam Mills, to a large open space to the west of the District Gaol ; a spot to which we were informed the attention of the Directors of the Toronto Rail Roads has been turned, for a Station and a terminus. The distance between Kingston and Toronto, by the proposed route, as nearly as can be ascertained, is one hundred and sixty-five miles ; this distance may vary a little either way, when the precise line is set out for grading.

The relative height between Toronto and Kingston, is only the difference of the fall of the lake between the two points, and is so little as to create no perceptible current; the greatest elevation to be surmounted in the entire distance, is one hundred and twenty-five feet, an average grade of one and a half feet per mile; the cutting will in no case be considerable, and as a whole, it is believed that for such a distance there will be found few lines of Railroad so favorable.

Nothing has been said respecting the mode or the cost of transport across the Bay, from Kingston to Garden Island. It may be effected by either of the following methods:

First, by transshipment, employing a steam boat built for the purpose, and so constructed at her bows that she would displace the ice, till it became strong enough to carry heavy weights, which is presumed, might be two weeks in January, four in February, and three in March, together nine weeks, or

Second, by a floating Bridge, upon which the cars and locomotives may be driven in on this side, and out at the other, avoiding transshipment, till the ice is strong enough.

When the ice is so strong that a passage cannot be made by steamboat, it may be necessary to resort to large sleighs built for the purpose, so constructed as to be waterproof, and to be propelled, either by a stationary engine or by locomotives, whose wheels will be furnished with short spikes.

The cost of construction will depend upon the following items. -

- 1st. Compensation to persons whose land will be taken.
- 2d. Grading, including cuttings and embankments.
- 3d. Fencing the line of road, where necessary.
- 4th. Bridging.
- 5th. Iron rails.
- 6th. Engineering.

About twenty-five miles of the route runs upon road allowances, for which no compensation will be required; a portion of the remainder passes through wild land, for which the compensation demanded will be inconsiderable. Of the remainder, it is believed that the sum will not be great, especially if all the proprietors are seen before the actual site of the road is known, as the road is universally appreciated.

In the absence of continuous levels, it is not possible to say what the cost of grading will be: for a considerable portion it will not exceed the ordinary grading for a well made macadamized road; which, including grubbing, draining, and ditching, but exclusive of cuttings and embankments, will not

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amount to more than £500 per mile. No fencing will be required in passing through the wild lands, though it will certainly be an important item with a view of preventing accidents.

The only expensive bridging will be at Napanee, at Shannonville, Belleville, the Trent, at Port Hope, and over the Don river: there are several ravines and swamps in the route, but they are generally narrow, and the swamps shallow; and the expense of filling and embankment will not exceed that of bridging, whilst embankment will be permanent, and bridging will require to be often repaired, and renewed at least every ten years.

The great item of expense will be the iron for rails, which will depend upon the kind of rail (and consequently its weight) which will be selected. The lowest sum which this item will cost will be £1,500 per mile; and as the selection of a weak rail is the worst possible economy, it may be set down, including all expenses, at £2,000.

By the time the work on this road will have commenced, it may be expected that the experiments now going on in England, in mineralizing timber, as well as of the great improvement of the Atmospheric Railroad Power over that of Locomotives, will have been tested.

The experiments also in progress, for the purpose of ascertaining if cast iron will not admit of being substituted for welded or rolled iron, which will prove a large deduction in the item of iron, will have been tested.

With regard to the cost of roads in Canada, we can scarcely have a better guide than what the actual cost has been of similar roads in the United States.

The lowest cost of construction of any American Railroad has been £3,000 per mile. The average cost of American Railroads is about £5,000 per mile. These sums include every item of expense—Engineering, Locomotives, Cars, etc.

It is believed that the Wolfe Island, Kingston and Toronto Railroad may be safely put down at £5,000 per mile, to be constructed with a heavy T rail, of the best iron, weighing fifty-six pounds to the lineal yard. Estimating the distance across Wolfe and Garden Islands at 7 miles, and from Kingston to Toronto 165, together 172, say 173 miles; at £5,000 per mile the whole cost of the work will be £865,000.

The next item of importance is the annual expense.

This divides itself into three parts, viz: the interest on the

capital sum expended, the expense incident to the moving power, and that of sustaining the road, repairs of rails, etc.

We have calculated the interest at five per cent. If the Stock is taken up by capitalists, the net proceeds will be divided according to their respective amounts; but should the Company borrow money from England, it is presumed it may be obtained at four per cent. Under the second head are wear and tear of locomotives, fuel, labor, and a large number of incidentals; and it is satisfactory to be able to state that these details are so minutely published by the directors of American Railroads, for the information of the proprietors of stock, that we are enabled to obtain the most accurate information on both items of expense; and as labor, and all other expenses, are lower in Canada than in most parts of the United States, we may fairly conclude that our expenses will not exceed those of that country.

We have carefully examined the report of the expense of the moving power of a great number of American Railroads; and we find the average to be, as nearly as possible, 58 cents, or 2s. 11d. currency per mile. Because, however, we would not be under the cost in so important an item, and because in every statement we make we wish to be above rather than below the expense, we have in the following calculation called it 3s. 3d., or nearly ten per cent. above the average expense of American Railroads.

We have with equal care examined the returns containing the detailed cost of repairing and sustaining American Railroads; and they amount to the large sum of £156 per mile, per annum. It will be apparent, that this will depend much upon the original stability and general structure of the road, as well as upon the extent of the business done; but as the returns, from which our data are taken, are the average expense of many lines, we have no doubt that the sum will prove the full extent of the outlay. The annual expenses, chargeable on this road, will be as follows, viz:

Interest of £865,000, at 5 per cent.	£43,250	0	0
Motive power for 346 miles a day, or 300 days, at 3s. 3d. per mile run, (being £56 4s. 6d. per day) £16,867	10	0	
Repairs in sustaining 173 miles of Road, at £156 per annum, . . .	26,988	0	0
	43,855	10	0
	£87,105	10	0

The expense of a Railroad, per mile, including both items, may be safely calculated as follows: £43,855 for 173 miles, or £253 per mile. The daily expenses of Motive power, and repairs, would be £146 per day.

Our attention was next directed to the probable revenue; and we have the satisfaction of stating that large as will be the annual expenditure, the annual revenue will furnish an ample equivalent.

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STATEMENT shewing the quantity of Goods it is estimated will pass through Kingston in one year, exhibiting the proposed prices of the cost of transport, and the Revenue to the Rail Road, should one half of the Heavy Goods be carried by Steamboats and Schooners.

	ARTICLES OF TRANSPORT.	QUANTITY.	PRICE.	WHOLE AMOUNT.		HF. AMOUNT.	
				£	s. d.	£	s. d.
1	Passengers, Canadian, 50 each way per day for 300 days,	30,000	15s.	22,500	0 0	22,500	0 0
2	Do. Foreign, 25 each way per day, for 300 days,	15,000	15s.	11,250	0 0	11,250	0 0
3	Do. Way, 20 each way per day for 300 days,	12,000	12s. 6d.	7,500	0 0	7,500	0 0
4	Conveyance of Mails,			4,000	0 0	4,000	0 0
5	Transportation of Troops,			1,500	0 0	1,500	0 0
6	Flour, the present price, including wharfage, is 9d. per barrel,	400,000 bbls.	9d.	15,000	0 0	7,500	0 0
7	Wheat and other grain,			5,000	0 0	2,500	0 0
8	Beef, Pork, and Potash,			5,000	0 0	2,500	0 0
9	Masts, Lumber, and Staves,			5,000	0 0	2,500	0 0
10	Goods upwards,	60,000 tons.	7s. 6d.	22,500	0 0	11,250	0 0
11	Emigrants and their Baggage,			7,500	0 0	7,500	0 0
12	Cordwood to Toronto, profit on	50,000 cords.	3s.	7,500	0 0	7,500	0 0
13	Do. to Kingston, do.	25,000	2s.	2,500	0 0	2,500	0 0
14	Farm Produce, Cattle, Hay, Straw, &c., and the Orchard, Garden, and Dairy produce,			5,000	0 0	2,500	0 0
15	Lime to Toronto,	30,000 bush.	7d.	937	10 0	468	15 0
16	Lime for agricultural purposes,			500	0 0	250	0 0
17	Bricks from Toronto,	500,000	5s.	125	0 0	62	10 0
18	Stone to Toronto,			500	0 0	250	0 0

19	English Coa.			500	0 0	500	0 0
20	Horses and Carriages,			500	0 0	500	0 0

15 Lime to Toronto,	.	.	.	.	.	937 10 0	468 15 0
16 Lime for agricultural purposes,	.	.	.	.	.	500 0 0	250 0 0
17 Bricks from Toronto,	.	.	.	.	.	125 0 0	62 10 0
18 Stone to Toronto,	.	.	.	.	.	500 0 0	250 0 0

19 English Coa.	.	.	.	.	.	500 0 0	500 0 0
20 Horses and Carriages,	.	.	.	.	.	500 0 0	500 0 0
21 Fish from the upper Lakes, fresh and in barrels,	.	.	.	.	.	500 0 0	250 0 0
22 Fish from the Ocean to the interior, fresh and in bbls.	.	.	.	.	.	250 0 0	125 0 0
23 Parcels, &c., &c.,	.	.	.	.	.	1,500 0 0	1,500 0 0
							127,062 10 0
							21,625 0 0
							96,906 5 0
							21,625 0 0
							£ 148,687 10 0
							118,531 5 0

Kingston and Toronto Rail Road,

Freight and Passengers via Rome and Kingston Rail Road.

1 Passengers from Cape Vincent to Kingston, and vice versa, 100 per day for 300 days,	.	.	.	.	.	3,750 0 0	3,750 0 0
2 Goods,	.	.	.	.	.	5,625 0 0	5,625 0 0
3 Lumber from Canada,	.	.	.	.	.	2,250 0 0	2,250 0 0
4 Cattle, Horses, &c.,	.	.	.	.	.	2,000 0 0	2,000 0 0
5 Cheese, Butter, Eggs, Calves, &c. &c.,	.	.	.	.	.	1,000 0 0	1,000 0 0
6 Wheat and Flour,	.	.	.	.	.	5,000 0 0	5,000 0 0
7 Pork,	.	.	.	.	.	125 0 0	125 0 0
8 Pot Ash,	.	.	.	.	.	125 0 0	125 0 0
9 Salt from Syracuse,	.	.	.	.	.	1,500 0 0	1,500 0 0
10 Mails,	.	.	.	.	.	250 0 0	250 0 0
							£21,625 0 0
							21,625 0 0

A very considerable source of revenue may also be contemplated to arise from the judicious purchase by the Company, of land for stations, where hotels, villages, stores, and store-houses will be required.

OBSERVATIONS.

Having thus given the Engineering result of the Preliminary Survey, with the probable cost and revenue expected to be derived from the Wolfe Island, Kingston and Toronto Railroad, we have thought it would be acceptable to the committee, as well as to the public, that we should in the form of an Appendix to our Report, state the grounds upon which we form our opinion as to the probable cost and revenue, and to add such other details as it may be satisfactory to the Committee, and useful to the public, to be made acquainted with.

As before stated, our estimate of the cost of the Road has been obtained from a very careful examination of the cost of Railroads in the United States, some of which we well know are built in a very ephemeral way, but others are also built substantially, especially those which were constructed more recently. We believe few lines of 173 miles in length are to be found which are beset with fewer engineering difficulties. Labor is comparatively cheap and abundant in Canada, and we entertain no doubt that the work will be completed at the estimated cost.

With regard to the revenue, there must, of necessity, be always some uncertainty in such cases; and persons who form an opinion (for example) of the number of passengers from a comparison with those of stage coaches, or even of steamboats, in Canada, will imagine that we have overrated their number; whilst those who are acquainted with the vast increase of travelling in consequence of increased facilities, all over the world, will think that the number of travellers is greatly underrated. We may as well form our judgment by the number of travellers who formerly visited Montreal, or the States, on foot or on horseback, before stage coaches and steamboats were in existence, as to argue that no greater number would travel by a Railroad. The best argument that can be used is, that in England, where the travelling, before Railroads were thought of as great lines of internal communication, was as good as the

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best roads and the most convenient conveyance could make it, the introduction of Railroads has increased the number of travellers from hundreds to thousands, and from thousands to millions: and what is to make Canada an exception to a rule generally prevailing throughout the world.

If the number, however, exceed that which we have stated, it will be so much the better for the Company; if it fall short, the surplus estimated revenue will well afford the reduction. The first column of the foregoing table contains the amount of cost of the transport which is supposed to pass between Kingston and Toronto; the second column supposes that one half of the heavy articles might be conveyed by steamboats, schooners, etc. It will appear that the revenue, as described in the second column, will pay a very large bonus to the stockholders, after having paid them five per cent. interest on the capital.

The conveyance of the mails is obtained from official information; the transportation of troops the same; an item not likely to diminish, but certain of a large increase.

The quantity of flour sent through Kingston has been ascertained from the best authority, and the price stated is believed to be below what it can be carried for by any other mode of conveyance. The cost of transport of flour by water, from Toronto to Kingston, in summer, last year, was as follows:

Cartage to the wharf,	0 0 $\frac{1}{2}$ d.
Wharfage,	0 1 $\frac{1}{2}$
Freight,	0 7 $\frac{1}{2}$
Per barrel,	0 9 $\frac{1}{2}$

Exclusive of insurance.

Early in the spring, and late in the fall, the price to Kingston is 1s. 3d. It is, now, sometimes weeks on its passage to market, and has to be handled repeatedly; whereas by railroad it would reach its destination in a day.

The calculation of wheat, grain, potash, etc., is considered to be below the quantity, and also far below the price which, on an average of years, its transport has cost.

The estimate of lumber, etc., is formed from the information obtained from the different milling establishments on the line. From the vast quantity of masts and staves in the townships adjacent to the road, and the present cost and expense of transporting heavy materials, with the risk and trouble of getting them to market at all, the probability is that this item is greatly underrated; and most certainly, whatever is the present quan-

tity annually transported, the increased facility of a Railroad will cause that quantity to be every year augmented.

The quantity of goods, in tons, upward, is obtained from a source which cannot be doubted: 50,000 tons and upwards passed through the forwarders' hands, besides what passed by land. This is exclusive of goods transported in the winter, and of limestone, lime, American produce, salt, and a great variety of items from the United States, which the Railroad will bring into value. Carriage of emigrants and their baggage is derived from official resources. The price of cord-wood in Toronto varies from 10s. to 12s. 6d. The quantity said to be consumed annually in that city is 300,000 to 400,000 cords. The quantity said to be consumed in Kingston, including steamboats, is 200,000 cords, and the price varies from 6s. to 10s. per cord. Cord-wood can be chopped in any part of the country for 1s. 9d. to 2s. per cord; 1s. per cord will be considered a fair remuneration to the owner of the land, and allow 1s. for handling, piling, &c., together 4s. per cord, whatever it will fetch above that at either of the termini of the road, will be so much per cord, for carrying it, and as this can be done when there happens to be a deficiency of freight it will be so much gained by the Company.

Farmers living on the line of road will be enabled to send to market at a very low rate, Cattle, Hay, the produce of the Dairy, the Orchard and the Garden, to an extent by which the sum named will, it is believed, be greatly exceeded.

Lime is now made in Toronto from Limestone, conveyed in Schooners from Kingston, for which is usually charged \$10 to \$12 per toise of 216 feet, weighing about 10 tons: it is sold there at 2s. to 2s. 6d. per barrel of 2½ bushels; in the Limestone Districts, where wood is cheap, it costs the maker about 4d. and is sold here at 7½d. per bushel; all therefore that could be sold in Toronto would be so much paid for the carriage. The low price at which lime could be supplied would probably induce the farmers on the road to use it as manure, for which purpose it is invaluable.

The Toronto Brick is employed by the Board of Ordnance in all the new defences where brick work is required; they cost the maker in Toronto 15s. per 1000, it costs now by water 10s. per 1000 to bring them to Kingston, and half that amount would pay a handsome remuneration for bringing them by the Railroad, and may be sold here at 20s.

Stone to Toronto could be supplied by Railroad at a less cost than is charged by water.

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English Coal brought out as ballast, to Montreal, could be transported by Railroad to Toronto, at a lower rate than Coal from the United States could be supplied.

The same remark applies to English Salt.

Plaster of Paris.—Large quantities of this mineral would be required, but for the cost of transport; the Railroad would carry it for half the cost of any other conveyance.

Small Parcels.—The sum placed against this item is small, and only introduced to show it as a source of increasing revenue. Horses and Carriages.—This item is included for the same reason. Fish, from the Upper Lakes, both fresh and salt, will afford a considerable article of revenue. Railroads, notwithstanding the great outlay in their original construction, and the expenses attending them, can afford to carry both heavy as well as light goods and passengers, at a cheaper rate than by any other conveyance; whether on common roads, canals, or even by steamboats, on the lakes.

The original cost of Canals in general, is quite equal to that of Railroads; and in Canada, as we know full well, vastly greater; and experience has proved, that as it regards the comparative wear and tear of each, Canals cost more to keep them in repair than Railroads; they having cost on an average, to repair them, in the United States £410 per mile, per annum; whilst Railroads have not exceeded £175.

Now compare the expense and business of one of our Lake Steamboats, with the cost and business of a Locomotive, on a Railroad. The former makes two trips, up and down, a week, from Kingston to Toronto; her current expenses are said to be £125 per week, exclusive of wear and tear, and diminution of value, which will add £25 at least; together £150 per week. She carries, each trip down, if fully loaded, 500 barrels of flour, or 1,000 in the week; and if she comes up fully loaded each trip, she carries 80 tons, being in two trips 160 tons of goods. We will say nothing of passengers, because we will suppose that the Railroad will carry at least an equal number.

It costs, then, £150 to carry by steamboat 1,000 barrels of flour, weighing about ninety tons, and 160 tons of goods; together 250 tons. The expense, including all repairs of the road, as well as of the Locomotive power, will amount to about £145 per day; and for this outlay will convey any number of passengers, and 350 tons each way; together 700 tons of goods to and from Kingston, to Toronto in 6 or 8 hours, saving of cartage, wharfage and insurance, with twice handling of the goods; avoiding sea-sickness to passengers; and this it will do every

day, both winter and summer, throughout the year; whereas, by Steamboat it costs £150 to convey 250 tons, requires a week to accomplish it, and this can only be done seven months in the year.*

The interest is not included in either case; but the expenses of wear and tear being included in the railroad expense by which it will be kept in a state as good as new, when it is notorious that at the end of 10 or 12 years a steam boat is all but valueless.

If all this is true some most important change must take place in a Lake communication before it can offer any successful competition with Railroads. An American writer of eminence on this subject uses the following language, which is fully confirmatory of the above view of the case. "Railways have universally created the means of their own sustenance and have drawn to their tracts employment for their motion. If the beneficence of providence had hollowed a channel from Boston to the Western Lakes, and poured the flood of those inland seas eastward to the ocean, the blessings would have been great. The river, swelled by tributary streams from every valley, would have scattered wealth along its course. For all practical purposes, the invention of Railroads bestows greater advantages, and furnishes a communication much more easy, certain, cheap and safe, than the bounty of Nature could give. During the stern winter of our climate, the rivers are closed one third of the year with ice, in summer they are exhausted for nearly an equal period; their navigation is bounded by the hills that supply their fountains. The railway is neither locked by cold, nor dried up by heat, nor confined by ridges; stretching out its arms to every town and village, it may be extended beyond the highland barriers of water passage, and beyond the Lakes, until its iron bands clasp together in a net work of improvement overspreading the whole Union."

Railroads, in addition to this, are superior to any other mode of transport, because they have invariably been found to create a trade for themselves. The combination of cheapness, rapidity, and security, and their independence of seasons of the year, multiplies to an inconceivable extent the number of travellers; for in proportion to the lowness of the fares, and other facilities, will be their number. And as it regards the advantage of rapid travelling, the whole world seems to have found out, since the introduction of Railroads, that "Time is

* It is said the loss in wheat and flour alone, by casualties on the St. Lawrence, has, during the last year, amounted to £15,000, besides damages on other goods on the Rideau.

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also Money." If, as formerly, it requires three or four weeks for a merchant to complete one business operation at Montreal, he can only repeat that operation a very few times in the year; but if he can do the same thing in a few hours, he may repeat it as often as he may desire. Fifteen shillings per day would be considered a fair calculation for his travelling expenses, so that in those expenses alone, to say nothing of loss of time, £20 or £25 would be required for each business journey; whereas, by Railway, the expenses of two or three days would be all the cost.

It is said, that if all this be true, it goes to prove that our fine inland seas, the glory and boast of North America, are valueless to us; and if our lakes and canals are so valueless, what a waste of money has been the construction of our canals, upon which so many hundreds of thousands of pounds have been already expended, and so many more contemplated. This is true; but how much larger sums have been expended in England on the public roads, which places that country in the same position: but shall it be argued that because money has been expended unadvisedly, perhaps, or if the measure was ever so wise an one at the time, we must reject future improvement? On the contrary, the Railroads in Canada will so improve the trade and assist the agriculturists of the country, that they will prevent the tax which must be levied to pay the interest of the money the canals have cost from being felt.

The following paragraph relative to Railway speed and safety, is from a late London paper. The returns given in the report of the officers of the Railway Department, Board of Trade, shows the average speed upon the various lines, exclusive of stoppage, as follows:—London and Birmingham, 27 miles per hour; Great Western, 33; Northern and Eastern, 36; North Midland, 29; Midland Counties, 28; Manchester and Birmingham, 25; Newcastle and North Shields, 30; Chester and Birkenhead, 28; Birmingham and Derby, 19. An American writer says the average speed of the Metropolitan lines, exclusive of stoppages, is about 22½ miles per hour.

The foregoing returns of speed on the English Railways show an average rate exceeding the rates in the United States, by one-fourth per hour: the speed is greatly increased since this was written. On some of their best roads, with the heavy edge rails, they have accomplished as high a rate of speed as a mile in a minute. Our Engines have drawn larger loads up higher grades in comparison to their weight. The great difficulty with most

of the U. States roads is, that they are too slightly built, owing to the deficiency of capital in that country. There will be no difficulty with a good road, and none other should be built, between this City (New York) and Albany, in accomplishing the distance in six hours, which is only 25 miles per hour, a speed of 33 per cent less than that performed on the Northern and Eastern Railroads."

With regard to the security of Railroads, Mr. Lang, in a report to the London Board of Trade, shows by a number of facts "that railways are the safest of all modes of conveyance, and more particularly safe than steam boat travelling." From 1st January to 1st July, 1841, only three lost their lives from causes beyond control. The number of passengers travelling was 9,122,000. The distance travelled, 182,440,000 miles. The number killed from causes beyond control, was one to 3,040,666. Only one passenger lost his life for each 60,813,333 miles travelled.

Although it cannot be denied that Canada has been behind in the adoption of this great public improvement, yet it must be recollected that the Liverpool and Manchester Railroad, which was the great Precursor of all Railroads, was only finished in 1832, now 14 years ago. The whole world has been travelling since that period, at a railroad pace, and increasing its speed every year. If Canada has not commenced her Railroads, several of her cities and towns, as well as its increase of population and wealth, have not been exceeded by any of those of the North American continent, thus paving the way for the adoption of railroads and rendering them a safe and profitable investment.

It is believed, if one case more than another has delayed an earlier resort to the adoption of Railroads in Canada, it is the want of Societies for obtaining statistical details of the progressive advancement of the country, than which nothing would be better adapted to shew its existing resources and to draw out those which have been hidden.

It is impossible not to be struck with the astonishing difference in the cost of construction of the English Railroads, and those of the United States, as well as it is to be hoped and believed of those which shall be constructed in Canada. It is true there is a striking difference in the stability and solidity of English Railroads as compared with the American, but it is impossible not to see, also, that the most unwarrantable extravagance and expenditure takes place in every department of the vast railroad business of that country. First, in the amount of compensation for lands, the sums paid are enormous. Second, the cost of Parliamentary fees, Lawyers and Agents. Third, En-

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gineers, etc., many of whom are paid 15 to 20 guineas per day. Fourth, Printing, Stationary, office expences, with those of Clerks and other assistants, exceed what could be imagined.

The average cost of English Railroads, according to the celebrated Mr. Stephenson's calculation is per mile £25,450 0 0

Of French Railroads, - - - - - 23,000 0 0

Of Belgian, - - - - - 16,206 0 0

And notwithstanding all this, so successful are railroads, that by increasing the trade of the country and in creating business for themselves, Capital embarked in them is generally paying a larger amount of interest than any other source of investment in England, and the returns are every year increasing.

The following are the prices of the principal Share list on the 27th of September last.

SHARE. PAID.

SELLING PRICE.

£25	£10	Blackburn and Preston,	19½ to 20½
50	15	Chester and Holyhead,	20 to 20½
50	25	Lancaster and Carlisle,	53½ to 54½
50	15	Leeds and Bradford,	61 to 63
25	12½	East Lancashire,	22 to 22½
20	9	North Wales Mineral,	14½ to 15½
19	1	North Wales New,	5½ to 5¾
25	15	North British,	25 to 25
50	20	South Devon,	34 to 36

And the same remark applies to many of the American Railroads, as will be seen by the following table :

NAME OF ROAD.	COST.	DIVIDEND PER CENT.			
		1834.	1839.	1843.	1844.
Boston and Lowell,	\$1,834,893	7	8	8	8
Boston and Providence,	1,782,000	8	8	8	8
Boston and Worcester,	2,374,547	7½	6	6	7½
Lowell and Nashua,	380,000	-	6½	8	10
Camden and Amboy,	2,291,802	-	-	-	18½
Mohawk and Hudson,	1,000,000	-	-	7	7
Syracuse and Utica,	893,889	-	-	10	12
Utica and Schenectady,	1,900,000	-	-	-	11

In Canada, the cost of obtaining Acts of Parliament is so small as not to be worth naming, and very little assistance is required from Lawyers. The compensation for wild land seldom exceeds \$5 to \$10 per acre, and for cleared land \$20. Laborers may be had in any number, at 2s. 6d. to 3s. 6d. per day, finding themselves, whilst Engineering is so cheap as to afford a guarantee that there will be no competition from any

person of that class from any portion of the globe, who are acquainted with its history in Canada.

It is believed by your Engineers, that a rail of cast iron in the shape of an inverted $\cap$ must be equal, if not superior, in strength and durability, to many of the welded or rolled rails, which have been used ; whilst the force of traction will be increased, and it is suggested by your Engineers, that if the wires for a Magnetic Telegraph can be isolated by being enclosed in tubes of glass or other nonconducting substances, such a rail affords great facility for the simultaneous adoption of that magnificent discovery, which will be a saving of expense ; and what is equally important, both can be manufactured in Canada.

The foregoing statements have been made under a firm belief of their truth, and with an anxious desire that nothing should be exaggerated. No doubt there will be many sneers, and arguments will be advanced against them by those who know nothing of Railroad statistics and who may very properly be called Anti-Railroadsters, in most cases ignorantly, in others from naturally contracted views, some from interested motives, and a few for the purpose of pandering to the prejudices of a few old fashioned, though worthy folk, who would if they could, drive out of existence all public improvements, and with them those, whose activity and energy have contributed to their accomplishment.

To quote from the intellectual Blackwood, they are the genuine descendants of the Picts, and had they lived in remoter days, would have been the first to protest against the abolition of ochre, as an ornament, or the substitution of Broadcloth for the untanned Buffalo hide. All this is to be expected, because (especially in new countries) all this has always been the case. But let it be remembered that all this, and a great deal more than this, is necessary to disprove the statements made and to show that Railroads in Canada will not prove of inestimable advantage to the whole community, and a valuable investment for capital.

The foregoing calculations have been made of the expense and revenue of a Railroad from Wolfe Island through Kingston to Toronto only. It would have been more satisfactory could a similar survey and report have been made of a continued Railroad to Montreal, and but for the threatenings of war, doubtless the preliminary survey would have been continued. This Report, however, will furnish a variety of facts which will go to prove, not only the utility of the continuous line, but will afford data to show that the investment cannot fail to be a beneficial

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one. It is clear that the produce brought to Kingston, except that part of it which comes from, or goes to the United States, will go on to, or come from Montreal, and its amount will be increased by all the tributary establishments of flour and saw mills, manufactures, farm produce, etc. etc., on the line between the two places, as a river increases its width and depth the further it goes. From our local knowledge of the face of the country, it is believed that there are as few engineering difficulties on the route from Kingston to Montreal, as there are from Kingston to Toronto: the distance will probably prove to be from 30 to 40 miles greater. Communications took place between one of your engineers and some of the leading advocates of both the Great Western, and Toronto, and Lake Huron lines of road, all of whom expressed their readiness to act in concert with the managers of the Wolf Island, Kingston and Toronto line, and to afford them every facility in their power, and it cannot but be satisfactory to the latter to know, that whichever line to the west shall be ultimately carried into effect, or even if both lines should be contemplated, it cannot but contribute greatly to the prosperity and success of this line.

We have the honor to be,
Gentlemen,
Your obedient servants,

JAMES CULL,
THOMAS GORE,
Civil Engineers.

Appendix.

CIRCULAR OF THE ROME AND KINGSTON RAILROAD COMMITTEE.

WATERTOWN, Jefferson County, N.Y. }
August 29th, 1845. }

SIR:—The undersigned, a Committee appointed by the friends of the Rome and Kingston Railroad, request your attention to a summary view of the arguments urged in favor of this project. They propose furnishing further details at a future day, with a map, etc.

This Road is to commence at Rome, in Oneida county, and passing through Oswego county into Jefferson, is to terminate at Cape Vincent, opposite the city of Kingston, in Canada West. Kingston and Cape Vincent are situated at the terminus of that immense extent of Lake navigation that stretches into the heart of the American continent, and on opposite sides of the St. Lawrence river, which here commences its long course to the Atlantic ocean. At both points the harbors are good and safe, with water enough to float any craft. The distance apart of the shores is eleven miles, seven of which is occupied by Long or Wolfe Island. The river is crossed here at all seasons—there not having been a failure of the mail passing daily in four years. In the winter it is seldom closed by ice more than eight weeks, during which period teams with heavy loads are constantly crossing. The people of Kingston, whose feelings and interests are deeply enlisted with us, have undertaken to keep up a constant communication between the shores of a character suitable to the importance of this Road.

Jefferson county, through which the Road passes for about fifty miles, is one of the most wealthy and populous in this State. In 1840 its population was 61,028, and its aggregate valuation \$6,578,341. Oswego, through which the road passes nearly thirty miles, had, in 1840, 43,820 inhabitants, and a valuation of \$5,423,962; and Oneida a population of 85,345,

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and a valuation of \$11,773,698; thus making, in 1840, in the counties interested in the road, a population of 190,193, and an aggregate valuation of \$23,776,001.

Jefferson county is favored with a healthy climate, an excellent soil, rich minerals, good fisheries, and most abundant water power. The value of the cereal grains, and other products and manufactures, in 1840, was over \$4,000,000. In the north part of the county there are great beds of iron ore, of the best quality, much of it but lately discovered.

The Black river, by actual measurement, delivers 94,000 cubic feet of water per minute, in the very driest seasons, and falls, from Carthage to its outlet near Sackets Harbor, 480 feet in a distance of twenty-four miles, all in this county, thus giving a constant power equal to that of over 100,000 horses working ten hours per day. The banks of the river furnish excellent limestone for building purposes. Salmon river, in Oswego county, has good hydraulic privileges. There are also many minor streams in all three counties, that are but little used, offering great inducements for those needing water-power, when the Railroad shall have rendered it easily accessible. We might enter further into the statistics of these counties, but shall speak more fully after the census is completed.

Rome, one terminus of this Road, lies in the geographical centre of Oneida county. The Erie canal, and the Utica and Syracuse Railroad, pass through it. It is 98 miles from Cape Vincent, as the road is surveyed, and 109 miles from Albany, and is a flourishing village, with abundant facilities to do an extensive business.

The surface of the country over which the road is surveyed is remarkably uniform—not rising in going north over 200 feet above the level of Rome. The road has no grades exceeding thirty-three feet to a mile; its curves are of large radii; the soil mostly gravel and sand, easily excavated, no rock cutting, and an abundance of good timber on the line, for bridges, etc., at reasonable prices.

The route was surveyed in 1836, by WM. DEWEY, Civil Engineer, and estimated for a flat bar rail. He has since revised his estimates, and calculated for a work of the first character, and finds that the entire line can be put in first rate order for use, with a single track and necessary turn outs, with a T rail, weighing 56 lbs. to the lineal yard, all necessary depots, watering stations, locomotives, and passenger and freight cars, for \$1,500,000. This sum, being about \$15,000 per mile, is much

below the average cost of roads in this State and New England, but the detailed estimates show its sufficiency. We may mention, to render this evident, that the survey made in 1836 showed excavation and embankment equal only to 1,582,214 cubic yards, all in a soil easily moved, which, at an average price of 15 cents, would make the grading amount to only \$237,332. The cost of suitable timber for bridges, superstructures, etc. delivered on the line, will not exceed \$6 per thousand feet. We have also assurances that the right of way will be, for the most part, granted to the Company. We have not space to enter into further details of the facilities presented for the construction of this road, but for the present state our opinion, that they offer an opportunity of building one of the best, as well as cheapest Railroads in the United States, upon which the running time, from Rome to the Cape, and thence to Kingston, need not exceed five hours.

In calculating the profits of the Rome and Kingston Railroad, we will in the first place confine ourselves to the local business.

We repeat, that it passes through three Counties, whose aggregate population is now not much below a quarter of a million—through a wealthy agricultural, manufacturing, and mineral region.

We have collected such statistical information as shows that the amount of Merchandize, Butter and Cheese, Beef, Pork, Pot and Pearl Ashes, Fish, Poultry, Wheat, Barley, Oats, Rye, Corn, Grass Seed, Wool, Potatoes, distilled and brewed Liquors, manufactured Goods, Leather, Salt, Flour, Plaster, etc., etc., exported from the County towards the Erie Canal, and received from that direction, exceeded 40,000 tons last year—the cost of transportation on which, to and from the Canal at Rome, ranged from \$4 to \$5 per ton.

We have data showing that from the towns immediately on the line of the Railroad, in Oswego and Oneida Counties, there was sent to the Erie Canal last year, over 21 millions of feet of first quality pine lumber, at an average cost of \$3 per thousand feet. When the lumber can be delivered by Railroad at Rome at \$2 per thousand feet, not only would the best quality be sent, but many other kinds of pine, also spruce, maple, ash, and hemlock would be sawed and transported for years to come.

The existing travel of the towns immediately affected by this Railroad, and which would seek it were it built, is now equal to 50,000 per annum; and we estimate that 23 towns in St. Lawrence, Lewis, Oswego, and Oneida will furnish, besides lumber,

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one-fifth of the amount of freightage of the 20 towns in Jefferson, which is a low supposition.

All these estimates we feel perfectly safe in calling very reasonable, and they give the following results :

SUMMARY OF LOCAL TRADE AND TRAVEL.

40,000 tons, exports and imports of Jefferson Co., as	
above, at \$3 per ton, - - - -	\$120,000
8,000 tons for St. Lawrence, Lewis, Oswego and	
Oneida, at \$2,50 per ton, - - - -	20,000
Present travel on the line, - - - -	50,000
21,000 M. feet lumber, at \$2 per M., - - - -	42,000
	\$232,000

These receipts, we wish you to bear in mind, are based exclusively upon the present local business of the country immediately contiguous to the road, and include no calculation for the probable increase.

We desire now to call your attention to the connection that the Rome and Kingston Railroad will form between the cities of Boston and New York, and Canada and the Great West.

We do not propose to address ourselves exclusively to either of the cities just named. We admire the wise enterprize of Boston; we rejoice in the prosperity of our own Commercial Emporium. We ask the aid of both cities in this project, because we believe that the interests of both will be promoted by it. We seek to deliver at Rome the trade and travel of a rich portion of this State, and at the same time to open a desirable communication with Canada and the Far West. The final destination of the products of immense regions, that will in part use our road as an outlet, we leave to the rival business talent of the two cities.

We desire to show that a Railroad from Rome to the river St. Lawrence, will form the remaining link in a continuous line of steam communication from Boston and New York to the foot of lake navigation, and thence to Chicago, constituting one of the best, cheapest, and shortest routes for trade and travel between the Atlantic ports and the Valley of the Mississippi.

From Boston to Cape Vincent by Rail Road, via	
Albany and Rome, is - - - -	407 miles.
From Cape Vincent to Detroit, via Toronto and	
Port Sarnia, - - - - -	384 "
	791 "

From New York to Cape Vincent, via Albany and	
Rome, - - - - -	357 miles.
From Cape Vincent to Detroit, as above - - -	384 "

741 "

We question much that any other route can be indicated forming an uninterrupted communication at all seasons, that will be shorter, or that can be built with a less outlay of American capital.

Kingston is, from its natural position, the most important point in Canada. It is at the foot of Lake navigation—at the head of the St. Lawrence river: by the Rideau canal it connects with an immense region on the Ottawa river: by a line of navigable rivers and lakes at the head of the Bay of Quinte, and proposed canals, there will be a direct communication opened with the head of Lake Huron, avoiding several hundred miles of navigation by the lakes: by Lake Ontario and the Welland canal it communicates directly with four of the largest States in the Union. Indeed, examined upon the map, it will appear to be a central point from which a traveller may go with facility in any direction.

In a letter addressed by leading gentlemen of Kingston to citizens of Cape Vincent, they say:—"It affords us a great deal of pleasure to find that your Railroad is about being carried into operation. We have long deemed the route over which you intend to construct your road one of the best in this section of country. You will have your northern terminus at a point on the navigable waters of Canada nearer the great Atlantic cities than any other which can be named; and having also the advantage of being at the foot of the chain of Great Western Lakes. A road possessing these advantages in locality must, of course, if prudently managed, control a considerable portion of whatever business is to be done between our shores and the Atlantic cities of the Union. We say this generally of the business of the Western Province—that of Kingston and the Midland District, the Bay of Quinte country, the Rideau country, down perhaps as far as Bytown, and the country on the banks of the St. Lawrence, down as far as Cornwall, including in all seven capital towns of Districts, besides a large number of smaller places, and a generally well settled country, would naturally find its channel by your road, on account of its immediate proximity to the northern terminus of your route, and the peculiar feasibility and cheapness of getting from every part of the section named to this city. In

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in addition to this, we may mention that the contemplated Railroad from Toronto to some place nearly opposite Detroit, will, in all probability, be commenced early in the ensuing spring, and prosecuted with all vigor to a completion. In connection with this road, one from Toronto to this place has been already the subject of anxious consideration among the leading men connected with the Toronto and Detroit Road. A Railroad running but six or eight months in the year will hardly be a paying one, and the winters of this country would effectually exclude the Toronto Road from any other than local travel during four or five months in the year, unless the line be continued so as to form a junction at this place with your route. If this be done, the route by Cape Vincent and this place would be the great leading road from Western Canada to New York and Boston." "We cannot form any estimate, that you can rely on, as to the amount of travel coming from this place and neighborhood; but certain it is, that every one would prefer your road to the disagreeable and tedious journey from Oswego to Syracuse, and that you would control whatever travel may exist."

Thus, upon this subject, speak gentlemen intimately acquainted with Kingston and Canada; and the friends of the route may say, confidently, that the road to Rome is the one that would receive the countenance and command the trade of that country, as far as it would be directed across American territory. A large delegation of influential men visited Cape Vincent on the 18th ultimo, and reiterated the sentiments contained in the above estimate; and subsequently John Couter, Esq., a gentleman well and favorably known in Canada and in this country, was delegated to visit Boston and New York, in company with the undersigned, and give assurances of the anxiety of citizens of Canada West to secure the construction of the Rome and Cape Vincent Road. It is not contemplated by the Canadians to ask American aid to build the roads from Kingston to Toronto and Port Sarnia. The amount required for these projects will be mostly raised in England.

All that remains for us to do is, to build 98 miles of road from Rome to the St. Lawrence, and 63 miles from Port Huron, opposite Sarnia, to Detroit. Measures are already in progress to construct the last mentioned road. It is described as passing through a level, well settled country, and can be cheaply built.

From Detroit to St. Josephs a road is mostly finished, and from the latter point to Chicago is only 40 miles by steamboat.

'The great Illinois Canal will be in operation in a year or two, and then, with the line of road we are considering, a steam inland communication of the most perfect kind, will exist between the Atlantic cities and those on the Mexican Gulf, available, at high speed, and, since the Illinois Canal lies in a low latitude, capable of being used nearly all the year.

It may be expected that we will give an estimate of the amount of Canadian and Western business that will be done by the Rome and Kingston Railroad. We are aware it is difficult to form any correct opinion on this subject. But of this we feel confident, that the immense trade of the boundless fertile regions that border upon the Great Lakes and Rivers of the West, has a natural tendency towards Lake Ontario.

In the flow of business to and from the Atlantic ports, this road must inevitably be called into heavy requisition, and from its locality, it must actually control a large share of this trade in the winter season, and much of it while navigation is open.

Canada West already numbers 500,000 inhabitants, of an active and enterprising character, and the increase is remarkably rapid. The great regions of that country are pierced in every direction by Bays and Rivers; Canals, Plank Roads, Macadamized Roads, and Railways, are constructed, building, or contemplated, all of which will draw immense productions towards Lake Ontario, and receive therefrom the merchandize and products of the Eastern States and of foreign lands.

But in addition to Canada, there is the rapidly progressing West, whose age is but a day, and yet the surplus productions of whose industry will supply nations. No enterprize, no improvements will be likely, for years and years, to supply more than adequate facilities for the trade and travel of the States, Territories and Provinces reaching even across the Mississippi Valley to the Rocky Mountains. Let our route occupy its true position, as but one, although a very important one, of many outlets to the vast accumulations of commerce on the lower Great Lakes. We do candidly believe that, through the operation of the Draw-back bill of Congress, from its connection with great lines of improvement in Canada, and its course towards the Upper Valley of the Mississippi, in one direction, and from its union with the great central line of Canals and Railroads in this State, and thus its immediate proximity to the most important Atlantic ports—the Rome and Kingston Railroad is entitled to a pre-eminent rank among the contemplated improvements of the day.

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The Ogdensburgh Railroad committee, in advocating a kindred project with our own, have ventured, in a pamphlet they have published, on an estimate of Western and Canadian business to be done on their road. Without intending to disparage their judgment, but in a spirit of moderation, we will merely suppose that our road will carry one half of the products of the Western States, estimated by them—their estimate is 50,000 tons; also one half of the merchandize and Eastern Manufactures going to the Western States and Canada—their estimate is 20,000 tons; and only one third of the number of through passengers—their estimate is 63,535; and we will charge for the transportation of the mails the same amount supposed by them—\$6,000. You will certainly justify us in the reasonable amounts we have taken, when we refer you to the facts that the tonnage for one year previous to June 30th, 1844, at the Oswego, Sackets Harbor, and Cape Vincent Districts, was 458,318 tons, entered, and 454,798 tons cleared; while at the Oswegatchie District the entrances were 168,737 tons, and the clearances 167,958 tons. The three Districts first named will be affected by the Rome and Kingston Road; the last by the Ogdensburgh Railroad. With these reasonable suppositions as a basis, we will now make a further estimate of business, in addition to the one founded upon the local travel.

SUMMARY OF TRADE AND TRAVEL ESTIMATED ON THE ROME
AND KINGSTON RAIL ROAD.

Amount of local business, as per previous estimate,	\$232,000
25,000 tons of freight from the West and going East,	
at \$3,00 per ton, - - - - -	75,000
10,000 tons of merchandize and Eastern manufactures	
going West and to Canada, at \$3,50 per ton,	35,000
15,883 through passengers, at \$3, - - - - -	47,649
Transportation of the mails, - - - - -	6,000
	\$395,649
Deduct expenses of repairs and running, at the rate of	
\$1,290 per mile, as estimated by the Ogdens-	
burgh Railroad Committee.—98 miles, - - -	126,420
Nett Receipts,	\$269,229
Being nearly 18 per cent. on a capital of \$1,500,000.	

The undersigned disclaim all intention of holding out the above as an accurate statement of the value of this road. You can judge of the fairness with which the figures are arrived at.

We are aware of the frequently delusive character of such estimates. The actual results may be less, and they may be more than the above. At any rate we think that these statements will bear as close an examination as those of any similar project that we have met with; and that such scrutiny will result in a conviction that the stock of the Rome and Kingston Railroad will be very profitable.

Respectfully yours,

O. HUNGERFORD, *Chairman*,
N. M. WOODRUFF,
JOSEPH MULLIN,
EDMUND KIRBY,
J. F. HUTCHINSON,
JERRE CARRIER,
SAMUEL BUCKLEY.

WM. DEWEY, *Secretary*.
Watertown Railroad Committee.

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AN ACT TO INCORPORATE THE "WOLFE ISLAND,
KINGSTON AND TORONTO RAILROAD COMPANY."

WHEREAS it is desirable for the general benefit of the country, that a chain of Railway should be constructed from the Western extremity of the Province, along the North side of Lake Ontario to Montreal: AND WHEREAS the proposed line of the Great Western Railroad Company is the proper and most eligible route for such a work from the said Western extremity of the Province to the town of Hamilton in the Gore District: and whereas it is proposed to extend the said line of the Great Western Railroad from the town of Kingston in the Midland District, to the city of Toronto in the Home District: and whereas it is also proposed to extend a branch of the said Railroad from the town of Kingston, across Wolfe Island in the Midland District: and whereas, Henry Gildersleeve, William Wilson, Anthony B. Hawke, Charles Stuart, James Brown, Junior, Samuel Rowlands, Alexander Campbell, and others, have petitioned for the passing of a law incorporating a Joint Stock Company for the purpose of constructing a single or double track wooden or iron Rail Road or Way, from the town of Kingston in the Midland District, to the city of Toronto in the Home District: and whereas it is expedient to Incorporate a Joint Stock Company for the purposes hereinafter named: Be it therefore enacted, etc., That Henry Gildersleeve, William Wilson, Anthony B. Hawke, Charles Stuart, James Brown the younger, Samuel Rowlands, Alexander Campbell, William Jas. Chaplin, George Hudson, John Moss, Matthew Wyielli, Abel Lewis Gower, Gregory Scale Walters, Henry John Enthoven, Thomas Smith, Samuel Laing, Peter Buchanan, Sir Allan N. Macnab, George S. Tiffany, Robert W. Harris, Henry McKinstry, Peter Carroll, John Tucker Williams, Edmund Murney, Adam H. Meyers, John A. Macdonald, Malcolm Cameron, James B. Ewart, the Honorable John Hamilton, John Counter, Francis A. Harper, Colin Miller, George B. Hall, Henry Smith the younger, and Benjamin Seymour, with all such other per-

sons as shall become stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be, a body corporate and politic in fact, by and under the name and style of "The Wolfe Island, Kingston and Toronto Railroad Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever, and they and their successors may and shall have a common seal and may change and alter the same at their will and pleasure, and also that they and their successors by the same name of "The Wolfe Island, Kingston and Toronto Railroad Company," shall by law be capable of purchasing, having and holding to them and their successors, any estate, real or personal, or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient; provided always, nevertheless, that the real estate to be held by the said Company shall be only such as may be required to be held by them for the purpose of making, using, and preserving the said Railroad, and for objects immediately connected therewith.

And be it enacted, That the said Company, and their agents or servants, shall have full power under this Act to lay out, construct, make and finish a double or single iron or wooden Rail Road or Way, at their own costs and charges, on and over any part of the country lying between the said town of Kingston and the said city of Toronto, and to take, convey and transport thereon, passengers, goods and property, either in carriages used and propelled by the force of steam or by the force of animals, or any other mechanical or other power, or by any combination of power which the said Company may choose to employ.

And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owner or owners, occupier or occupiers of any lands upon which they may determine to construct the said Railroad, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said Rail-

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road being made and constructed in and upon his, her or their respective lands, and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers, as aforesaid, it shall and may be lawful, from time to time, for such owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the said Company to nominate one other indifferent person, who, together with one other person to be chosen by the persons so named before proceeding to business, or in the event of their disagreement as to the choice of such other person, to be appointed by the Judge of the District Court for the District in which the lands are situate before the others proceed to business, shall be Arbitrators to award, determine, order and adjudge the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall be and are hereby required to attend at some convenient place in the vicinity of the said intended Railroad, to be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted for their consideration by the parties interested; and that each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the District in which the subject matters of the said disagreement shall originate, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: Provided always, that any award made under this act shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties; in which case a reference may be again made to arbitration as hereinafter provided.

And be it enacted, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of

which sum of money was awarded, shall wholly cease; and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

And be it enacted, That where an award shall be made for more money as an indemnification or satisfaction for any lands, grounds, hereditaments, or property, or for any damages done to any lands, tenements, hereditaments, or property, of any person or persons whomsoever, than had previously been offered by or on behalf of the said Company, then all the expenses of holding the said Arbitration (which shall be settled by the Arbitrators) shall be defrayed by the said Company; but if any award shall be given for the same or a less sum than had been previously offered by and on behalf of the said Company, or in case no damages shall be awarded (when the dispute is for damages only), then, and in every such case, the costs and expenses shall be settled in the like manner by the arbitrators, and paid by the party or parties with whom the said Company shall have had such dispute; which said costs and expenses having been so settled, shall and may be deducted out of the money so awarded, when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons, and the payment or tender of the remainder of such sum shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sum so awarded to be paid by the said Company to such person or persons as aforesaid.

And be it enacted, That whenever any lands or grounds required by the said Company for the purposes of the said Railroad are held or owned by any person or persons, bodies politic or corporate or collegiate, whose residence may not be within this Province, or unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof, or to appoint arbitrators as aforesaid, or refuse or neglect so to do for the space of one calendar month after having been thereunto required by the said Company, it shall and may be lawful for the said Company to nominate one indifferent person, and for the Judge of the District Court for the District in which such lands are situate, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen

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by the persons so named before proceeding to business, or, in the event of their disagreement as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be Arbitrators to award, determine, and adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same for the said lands or grounds or damages, as aforesaid, and the decision of the majority of such arbitrators shall be final, which said amount so awarded the said Company are to pay or cause to be paid to the several parties entitled to the same, when demanded; and also that a record of such award or arbitration shall be made up and signed by the said arbitrators or a majority of them, specifying the amount of such award and the cost of such arbitration, which may be settled by the said arbitrators or a majority of them, which record shall be deposited in the Registry office of the County in which such lands or grounds are situate; and also that the expense of such arbitration shall be paid by the said Company, and by them deducted from the amount of such award on payment thereof to the parties entitled to receive the same.

And be it enacted, That whenever any lands or grounds required to be used or occupied by the said Company shall be held under mortgage, it shall and may be lawful to and for the said Company to nominate one indifferent person, and for the Judge of the District Court for the District in which such lands are situate, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person, to be chosen by the persons so named before proceeding to business, or, in the event of their disagreeing as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be Arbitrators to decide on and assess the value of the said lands or grounds, or the amount of damages to be paid to the owners thereof as aforesaid; and upon such decision or award, the said Company shall pay or cause to be paid the amount of such award to the mortgagee as a payment for and on account of the said mortgage; and upon such payment being so made, the mortgagor and mortgagee are hereby required and compelled to join in conveying the said lands or grounds to the said Company and their successors: Provided always, that when the amount of such award shall exceed the amount secured or payable on such mortgage, the said Company, after the amount due on such mortgage, shall pay or

cause to be paid the balance of the said award to the mortgagor or other party entitled to receive the same.

And be it enacted, That if the said double or single iron or wooden Rail Road or Way shall pass through any tract of land or property belonging to or in possession of any tribe of Indians in this Province, or if any act occasioning damage to their property or their possessions, shall be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possession, or rights of other individuals; and that whenever it shall be necessary that arbitrators shall be chosen by the parties for settling the amount of such compensation, the chief officer of the Indian Department within this Province is hereby authorized and required to name an arbitrator on behalf of the said Indians, and the amount which shall be awarded in any case shall be paid, where the said lands belong to any tribe or body of Indians, to the said chief officer, for the use of such tribe or body.

And be it enacted, That whenever it shall be necessary for the said Company to occupy any part or parts of the land or ground belonging to the Queen's Majesty, or which may at any time heretofore have been specially set apart and reserved, or which are designated or commonly known as Crown Lands, or lands reserved for military purposes, they shall first apply for and obtain the license or consent of her said Majesty, her heirs or successors, under the hand and seal of the Governor or person administering the Government of this Province for the time being, and having obtained such license and consent, it shall and may be lawful for them at any time or times to enter into or upon, have, hold, use, occupy, and enjoy, any part or parts of the said lands or grounds for the purposes of this Act, or for any other purpose connected therewith.

And be it enacted, That after any lands or grounds shall be set out or taken as aforesaid by the said Company, for the purpose of making and completing the said double or single wooden or iron Rail Road or Way, or for other purposes and conveniences aforesaid, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations, communities, guardians, executors, administrators, trustees, and all other persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, *feme covert*, or other person or persons who are or shall be seized, possessed of, or interested in any lands or grounds

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which shall be required as aforesaid, or any part thereof, to contract for, sell and convey to the said Company, their successors or assigns, all or every part of such lands or grounds which may from time to time be required as aforesaid; that all contracts, agreements, sales, conveyances, and assurances, so to be made, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage, or custom, to the contrary thereof in any wise notwithstanding; and all bodies corporate, politic, or collegiate, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do by virtue of or in pursuance of this Act.

And be it enacted, That all Deeds and Conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said land or the circumstances of the party making such conveyance will admit, be made in the form given in the Schedule of this Act marked A, and all Registrars are hereby required to enter in their Registry book such Deeds on the production thereof and proof of execution, without any Memorial, and to minute such on the said Deed; and the said Company are to pay to the said Registrar for so doing the sum of two shillings and six pence and no more.

And be it enacted, That the said Company shall have full power and authority to explore the country lying between the said town of Kingston and the said city of Toronto, and to designate and establish, and for the said Company to take, appropriate, have, hold, to and for the use of them and their successors, the line and boundaries of a double or single Railroad, with the necessary railways to connect the said town of Kingston with the said city of Toronto, and for the purposes aforesaid, the said Company and their agents, servants and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of Her Majesty, her heirs and successors or any other person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Railroad, and all such matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, and using the said intended Railroad, and also to make, build, erect and set up in and upon the route of the said Railroad, or upon the line adjoining or near the same, all such works, ways, roads and conveniences

as the said Company shall think requisite and necessary for the purposes of the said Railroad, and also from time to time to alter, repair, amend, widen or enlarge the same or any other of the conveniences above mentioned, as well for carrying and conveying of all manner of materials necessary for making, erecting, furnishing, altering or repairing, widening or enlarging the works of or belonging to the said Railroad, and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired, or done, and to build and construct the several works and erections belonging thereto, and also to make, maintain, repair and alter any fences or passages under or through the said Railroad or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in and upon and across any rivers or brooks, for making, using, maintaining and repairing the said Railroad and side paths, and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving and improving, completing and using the said Railroad in pursuance of and within the true meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in the manner hereinbefore mentioned, for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

And be it enacted, That the said Company or their agents or servants at any time after the passing of this Act, under and by virtue of its provisions, shall not, in constructing, building and finishing a double or single iron or wooden Rail Road or Way as aforesaid, on any part or portion of the country lying between the said town of Kingston and the said city of Toronto, in any degree interfere with, or encroach on any fee simple right or private easement or privilege of any individual now holding or enjoying the same or entitled thereto, without permission first had and obtained, either by consent of the owner thereof, or by virtue of the reference authorized by this Act.

And be it enacted, That the double or single Rail Road or Way, and all materials which shall be from time to time got or provided for constructing, building or repairing the same, and all tolls on goods, wares and merchandize, or passengers as hereinafter mentioned, shall be and the same are hereby vested in the said Company and their successors forever.

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iron or wooden Rail Road or Way shall be so far completed as to be capable of being used, it shall and may be lawful for the said Company through their President and Directors from time to time to fix and regulate the tolls and charges to be received for transportation of all goods, wares, merchandize and passengers thereon, or any other convenience, erection or improvement, built, occupied or owned by the said Company, to be used therewith, and it shall and may be lawful for them to ask, demand, receive, recover and take the said tolls, dues or charges, to and for their own proper use and benefit, and also that they shall have full power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the said double or single iron or wooden Rail Road or Way, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business, as to them may seem necessary.

And be it enacted, That whenever it shall be necessary for the said single or double Rail Road or Way to intersect or cross any stream of water or water-course, or any road or highway lying in the route thereof, between the said town of Kingston and the said city of Toronto, it shall and may be lawful for the said Company to construct their single or double Railroad across or upon the same: Provided always, that the Company shall restore the stream, or water-course, or road, or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness, and shall, moreover, during the continuance of this Company, make and repair sufficient fences upon the line or route of their said single or double Rail Road or Way.

And be it enacted, That when the said single or double Rail Road or Way shall cross any public highway, the ledge or flange of such Railway, for the purpose of guiding the wheels of the carriages, shall not rise above the level of such road, nor sink below the level of such road, more than one inch; and that when any bridge shall be erected or made by the said Company, for the purpose of carrying the said double or single Rail Road or Way over or across any public way, the span of the arch of such bridge shall be formed, and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than fourteen feet, and of a height from the surface of such public highway to the centre of such arch of not less than twelve feet, and the

descent over any such bridge shall not exceed one foot in ten feet, and that in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any public carriage road or highway over the said double or single Rail Road or Way, the ascent of every such bridge for the purpose of every such road shall not be more than one foot in ten feet, and a good and sufficient fence shall be made on each side of every such bridge, which fence shall not be less than four feet above the level of such bridge.

And be it enacted, That in all cases where the said intended double or single Rail Road or Way shall cross any public highway or level, the said Company shall erect and at all times maintain a good and sufficient gate on each side of the said public highway where the said double or single Rail Road or Way shall communicate with such public highway, which gate shall be constantly kept shut except at such times as waggons, carts and other carriages passing along the said double or single Rail Road or Way shall have to cross such public highway, and they shall be opened only for the purpose of letting such waggons, carts and other carriages pass through, and every driver or person entrusted with the care of any waggon, cart, or other carriage, shall and is hereby directed to cause the said gates, and each of them, to be shut as soon as such waggon, cart, or other carriage, shall be passed through, under the penalty of five shillings, currency, to be recovered before any magistrate.

And be it enacted, That if any person or persons shall or cause to be done, any act or acts whatsoever, whereby any building, work, or construction of the said Company, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall forfeit and pay unto the said Company double the amount of damage sustained by means of such offence or injury, to be recovered in the name of the said Company by action of debt to be brought in any Court of Record in that part of the Province formerly Upper Canada.

And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted at the said town of Kingston by nine Directors, one of whom shall be chosen President, who shall hold their office for one year, which said Directors shall be Stockholders to the amount of at least twenty shares, and four of whom, besides the President, shall be residents of the town of Kingston, or within seven

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miles thereof, and be elected on the first Monday in the month of June in each and every year at the town of Kingston, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers published in the Midland, Newcastle, and Home Districts, at least one month previous to the time of holding the said election, which shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all elections for such Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more shall have an equal number of votes, in such manner that a greater number of persons than nine shall, by plurality of votes, appear to be chosen Directors, then the said Stockholders, hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of nine; and the said Directors, so chosen, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

And be it enacted, That in case it shall happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be dissolved, but it shall and may be lawful on any day to hold and make an election of Directors in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

And be it enacted, That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he or she shall have had in his or her own name at least one month prior to the time of voting, according to the following votes, that is to say, one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

And be it enacted, That the Directors for the time being, or the majority, shall have power to make and subscribe such

rules and regulations as to them may appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the duty of the officers, clerks and servants, and all such other matters and things as appertain to the business of the said Company, and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

And be it enacted, That on the second Monday in the month of September next, a meeting of the Stockholders shall be held at the town of Kingston, who, in the manner hereinbefore provided, shall proceed to elect nine persons to be Directors, who shall elect, by ballot, one of their number to be their President, and who shall continue in office until the next annual meeting of the said Company, and who during such continuance in office, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: Provided always, that if shares to the amount of £25,000 shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days' notice thereof given in any paper or papers published in the said District.

And be it enacted, That the whole Capital Stock of the said Company, inclusive of any real Estate, which the said Company may have or hold, by virtue of this Act, shall not exceed in value one million pounds, which amount shall be raised by the parties hereinbefore named, and by such other person or persons, who may, after the passing of this Act, become subscriber or subscribers towards such Stock, and be held in forty thousand shares of twenty five pounds each; and that the shares of the Capital Stock be deemed personal property, and may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same, to any other person or person, and such transfer shall be entered in a book or books to be kept for that purpose by the said Company.

And be it enacted, That no Stockholder in the said Company shall be, in any manner whatsoever, liable for or charged with the payment of any debt or demand due by the said Company beyond the extent of his, her, or their share or shares in the Capital of the said Company not paid up.

And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving

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sixty days' notice thereof in any newspaper published in each of the said Districts, for an instalment of five per cent. upon each share which they or any of them may respectively subscribe for; and that the residue of the amount of the shares of the Stockholders shall be payable by instalments at such times and in such proportions as the Directors of the said Company may see fit, so as no such instalment shall exceed five per cent. nor become payable in less than thirty days after public notice in the newspapers aforesaid: Provided always, that the said Directors shall not commence the construction of the said Rail Road or Way until the said first instalment shall be paid in.

And be it enacted, That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due and payable upon any share or shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such share or shares as aforesaid, with any amount that shall have been previously paid thereon, and that the share or shares so forfeited, may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other moneys of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company, the amount of the said instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: Provided always, that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper published in each of the said Districts, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

And be it enacted, That it shall be the duty of the Directors to make annual or semi-annual dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable, and that once in each year, an exact and particular statement shall be rendered of the state of their affairs—debts, credits, profits and losses, such statement to appear in the books, and to be open to the perusal of any stockholder, at his or her reasonable request, which said statement, attested on oath, shall be submitted annually to the three branches of the Legislature, within thirty days after the opening of each session of

the Provincial Parliament, as also a statement of the tonnage of goods and number of passengers that have been conveyed along the said Railroad.

And be it enacted, That whenever the sum of £250,000 of the Capital Stock of the said Company shall have been paid up, and expended in the construction of some part or parts of the said Railroad, it shall and may be lawful for the President and Directors of the said Company, being thereto authorized by a general meeting of the Stockholders to be called for that purpose, to borrow, by way of loan, from such party or parties as shall be willing to advance the same, and at the lowest rate of interest at which it can be got or procured, such sum or sums of money, not to exceed the balance of the Stock not paid in, for the purpose of carrying on and completing the said Railroad, and the said road or such parts thereof as may be constructed, with the income of Tolls arising therefrom, after paying the necessary expenses of conducting the business thereof, and also the repairs thereof, may be pledged as security for the payment of the principal money so borrowed, and the interest thereof.

And be it enacted, That the said Railroad which the said Company are by this Act authorized to make, shall be commenced within four years from the passing of this Act; otherwise the said Act, and every matter and thing therein contained, shall cease and be utterly void; and the said Railroad shall be completed and fit for public use within ten years from the passing of this Act, otherwise this Act shall cease to have force and effect with regard to such parts of the said Railroad as shall not then be completed, but shall remain in force with regard to such parts of it as shall then be completed and in use.

And be it enacted, That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence on the trial.

And be it enacted, That this Act shall be deemed and taken to be a public Act, and as such, shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

And be it enacted, That notwithstanding the privileges hereby granted and confirmed, the Legislature may at any time hereafter make such addition to this Act, or such alterations of

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any of the provisions thereof, as they may think fit and proper, for affording just protection to the public, or to any person or persons, bodies politic or corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege, or convenience connected therewith, or in respect to any way or right, public or private, that may be affected by any of the powers given by this Act.

And be it enacted, That the Company by this Act incorporated may, at any time within four years from the day of passing thereof, extend their line of Railroad from the said town of Kingston to the boundary line of the Province of Canada, opposite Cape Vincent in the State of New York, one of the United States of America, in manner following, that is to say: by means of steam communication (for the purposes of the said road only) from the said town of Kingston to any point on the northern shore of Garden Island, and thence by Railroad across the said Garden Island, and across a small channel of the River St. Lawrence to Wolfe Island, and thence across Wolfe Island to any convenient point on the southern shore of the said Wolfe Island, and thence by means of steam communication (for the purposes of the said road only) to the boundary line of the Province, opposite Cape Vincent, as aforesaid.

And be it enacted, That if the said Company shall determine to extend their line of road, as provided for in the foregoing section, they shall cause thirty days' public notice to be given in all the newspapers printed and published in the town of Kingston, of such intention, and the line of road shall be thereupon considered to be extended accordingly, and all the clauses, provisions, and enactments of this Act shall thereupon be held to be extended to such increased line, as fully, to all intents and purposes, as though the same had been originally included in the route of the said Road.

SCHEDULE A.

Form of Conveyance.

Know all men by these presents, that I, A. B. of ———, do hereby, in consideration of (here state the purchase-money), paid to me by the Wolfe Island, Kingston and Toronto Railroad Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm, unto the said Wolfe Island, Kingston and Toronto Railroad Company, their successors and assigns, forever, all that certain tract or parcel of land situate (here describe the land), the same having been selected and laid out by the said Company for the purposes of their Road: To have and to hold the said land and premises, together with the hereditaments and appurtenances thereto, to the said Wolfe Island, Kingston and Toronto Railroad Company, their successors and assigns, forever.

Witness my hand and seal this ——— day of ——— 18—. [L. .]

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